

These minutes have been approved by the Board on 1.23.2020

**MINUTES OF THE MEETING OF THE
BOARD OF FUNERAL DIRECTING AND EMBALMING**

October 24, 2019

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by Leo Seger, Chair, at 8:35 a.m., in the Nebraska State Office Building, Lower Level Conference Room C, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law.

Members Present: The following members answered roll call:

Lawrence Battaglia, Vice-Chair

Steven Brunken, Member

Leo Seger, Chair

Arvid Wiest, Secretary

Others Present:

Kris Chiles, Program Manager, Licensure Unit

Angela Andersen, Health Licensing Coordinator

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Brunken moved, seconded by Battaglia, to adopt the agenda. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (7.25.2019)

MOTION: Battaglia moved, seconded by Brunken, to approve the minutes of 7.25.2019. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Brunken moved, seconded by Battaglia, to enter into closed session at 8:37 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Seger repeated the motion purpose. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Battaglia moved, seconded by Brunken, to return to open session at 8:48 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

There were no applications for review.

Apprenticeship question for the Board – requestor is requesting 8 months credit for apprenticeship work experience acquired in Wyoming and 4 months of credit for apprenticeship work experience in Nebraska.

Chiles read definition of apprenticeship from statute 38-1416 (see statute language below) that specifies the apprenticeship must be 12 continuous months and in the State of Nebraska.

38-1416. Apprenticeship; apprentice license; examination.

(1) Before beginning an apprenticeship, an applicant shall apply for an apprentice license. The applicant shall show that he or she has completed thirty-nine of the sixty hours required in subdivision (1)(a) of section 38-1414. The applicant may complete the twelve-month apprenticeship in either a split apprenticeship or a full apprenticeship as provided in this section.

(2) A split apprenticeship shall be completed in the following manner:

- (a) Application for an apprentice license to complete a six-month apprenticeship prior to attending an accredited school of mortuary science, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period;
- (b) Successful completion of a full course of study in an accredited school of mortuary science;
- (c) Successful passage of the national standardized examination; and
- (d) Application for an apprentice license to complete the final six-month apprenticeship, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period.

(3) A full apprenticeship shall be completed in the following manner:

- (a) Successful completion of a full course of study in an accredited school of mortuary science;
- (b) Successful passage of the national standardized examination; and
- (c) Application for an apprentice license to complete a twelve-month apprenticeship. This license shall be valid for twelve months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous twelve-month period.

(4) An individual registered as an apprentice on December 1, 2008, shall be deemed to be licensed as an apprentice for the term of the apprenticeship on such date.

Source: Laws 1927, c. 167, § 96, p. 481; C.S.1929, § 71-1305; Laws 1931, c. 123, § 1, p. 357; Laws 1937, c. 155, § 3, p. 613; C.S.Supp.,1941, § 71-1305; R.S.1943, § 71-198; Laws 1986, LB 926, § 44; Laws 1987, LB 473, § 20; Laws 1988, LB 1100, § 36; R.S.1943, (1990), § 71-198; Laws 1993, LB 187, § 16; Laws 2003, LB 242, § 97; R.S.1943, (2003), § 71-1304; Laws 2007, LB463, § 552.

MOTION: Brunken moved, seconded by Battaglia, credit could not be given based off of statute 38-1416. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

Board comments:

- The Board would like to introduce legislation to add military leave and physician documented medical leave as a reason to put a license on hold or extend the apprenticeship period.
- Suggestion - continue the final 4 months of apprenticeship in Wyoming then request reciprocity with Nebraska upon successful completion.

6. UPDATES AND REPORTS

a. Regulation Update, Chapters 67, 68, 69

There were no public comments or testimony. Chiles provided the steps in the regulation change process now that the public hearing has been held:

1. Board of Health review (meeting will be held 10.28.19)
2. Director of Public Health review
3. Attorney General review
4. Governor review
5. File with Secretary of State
6. 5 days following filing with the Secretary of State, the regulations are effective

b. Nebraska Funeral Directing Association (NEFDA) <http://nefda.org>

9:14 a.m. - Bill Lauber entered the meeting.

Members discussed the following activities that NEFDA is researching:

- Lauber reported they are considering courtesy licenses for surrounding/border states. If the person is a licensed funeral director in good standing in their home state, they can apply to have privileges in the State of Nebraska.
- Currently, most funeral directors and embalmers in the bordering Nebraska towns have dual licenses for each state.
- In cases of a national emergency, the governor can extend privileges to other state's funeral director to provide services but this would be for other situations.

- The meeting to discuss courtesy licenses is set for 10.25.19 but Lauber wanted to present it to the Board prior to the meeting to get feedback and input.

9:43 a.m. – meeting break

9:53 a.m. – meeting resumed

- Lauber and the Board discussed changes in educational requirements and they were all in agreement that they were open to a review due to changes in the way people are learning and cost vs. benefit of all “on campus” classes especially for students in rural areas.
- DMACC degrees can be taken completely online due to cost and length of travel for the “on campus” option.
- Suggestions that Nebraska should look at other state’s core curriculum to determine if we have reasonable parameters. Possibly surveying the association for wanted classes.
- Lauber discussed how the association lobbies against things that would not benefit funeral directors and embalmers or the people they serve.
- Mention was made of Jacquelyn S. Taylor’s, director of San Francisco College of Mortuary Science, recent passing.
- State Senator Blood is considering introducing a re-composting and open air cremation bills. NEFDA is preparing a rebuttal if she does.
- Green burials – they need to make sure the family knows the risks of such burials. Possible options to avoid those risks are upside down concrete/cement burial vaults or sealed dome.

Board Comments:

- Consider a national compact similar to the nursing compact.
- Who would be responsible for signing the death certificate?
- Limiting the license term to 6 months to 1 year but no day permits.
- No preening or advertising if the funeral director has a courtesy card.
- No objections but would like more information after the meeting occurs.

10:39 a.m. – Lauber departed meeting

c. International Conference of Funeral Service Examination Board, Inc. (ICFSEB)

The next conference will be in Palm Coast, Florida, on February 19-20, 2020.

MOTION: Brunken moved, seconded by Battaglia, to recommend funding for Wiest to attend the February, 2020 conference as Nebraska’s delegate. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Battaglia moved, seconded by Brunken, to recommend funding for Chiles to also attend the February, 2020 conference as Nebraska’s delegate. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

d. Disciplinary and Non-Disciplinary Actions, Administrative Penalties, and License and Examination Statistics

Chiles reported on the Disciplinary and Non-Disciplinary Action Report stating there were no new actions since those reported at the January meeting. Chiles reported that the testing changed from surveymonkey to proprofs which eliminates hand scoring. Chiles asked the Board if they would like the applicant the ability to see what questions that were incorrect and if the right answer should be given, the Board approved both.

Examinations since January 1, 2019:

Jurisprudence – 6 pass, 2 fail
Vital Statistics – 8 pass
Jurisprudence (CE) – 16 pass
National Arts – 4 pass, 1 fail
National Science – 3 pass

Active license statistics:

Apprentice, full – 9
Apprentice, split 1 – 3
Apprentice, split 2 - 1
Branch Establishment – 101
Embalmer – 0
Funeral Director – 2
Funeral Director and Embalmer – 413
Funeral Establishment – 171

9:20 a.m. Break
9:42 a.m. Resume meeting

7. SET MEETING DATES FOR 2020

- Suggested dates are January 23, April 23, July 23, and October 23.

MOTION: Wiest moved, seconded by Battaglia, to approve the suggested dates. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

8. SCORE JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS

MOTION: Battaglia moved, seconded by Seger, to enter into closed session at 10:53 a.m. for discussions of a confidential nature and scoring the licensure examinations. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Wiest moved, seconded by Brunken, to return to open session at 11:04 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9. ADJOURNMENT

There being no further business, the chair declared the meeting adjourned at 11:04 a.m.

Arvid Wiest, Secretary
Board of Funeral Directing and Embalming

Summarized by: Angela Andersen, Health Licensing Coordinator, Licensure Unit

Regulations:

67-004 APPRENTICE LICENSE: Individuals applying for an initial license as a Funeral Director and Embalmer must complete an apprenticeship under the supervision of a licensed Funeral Director and Embalmer practicing in the State of Nebraska. Apprenticeships must be served in the State of Nebraska in a licensed Funeral Establishment and the first 25 funeral assists and 25 embalmings must be completed under direct onsite supervision of the supervising funeral director and embalmer.